

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL O'GRADY,

Plaintiff,

v.

SYNTHIA Y. O'GRADY and
DANIEL A. KLINT,

Defendants.

ORDER

10-cv-222-bbc

This is a proposed civil action for monetary relief brought by plaintiff Michael O'Grady, a resident of Portage, Wisconsin, against defendants Synthia O'Grady and Daniel Klint, who are alleged to be residents of Coon Rapids, Minnesota. In a May 6, 2010 order, I concluded that plaintiff did not properly allege the citizenship of the parties necessary to establish diversity jurisdiction. Plaintiff responded by filing a supplement to his complaint in which he alleges that defendants maintain their permanent home in Minnesota and it is the place "to which [they have] the intention of returning whenever [they are] absent therefrom." This suffices to establish defendants' citizenship. However, in his supplement, plaintiff did not include similar information about himself, so he has not yet properly

alleged that the parties have diverse citizenship. I will give him another chance to do so. Defendant may have until June 1, 2010 to refile his supplement, submitting information establishing the citizenship of all three parties, including himself.

ORDER

IT IS ORDERED that plaintiff may have until June 1, 2010, in which to file with the court a response to this order establishing the citizenship of the parties in this lawsuit. If, by June 1, 2010, plaintiff fails to submit a response explaining citizenship of the parties, the clerk of court is directed to enter judgment dismissing this case without prejudice for plaintiff's failure to prosecute it.

Entered this 18th day of May, 2010.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge